

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE STATE STREET BANK AND TRUST
CO. ERISA LITIGATION

This document relates to:

No. 07 Civ. 9319
No. 07 Civ. 9687
No. 08 Civ. 0265

MDL DOCKET No. 1945

No. 07 Civ. 8488 (RJH)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the annexed Memorandum of Law, the Declaration of Derek W. Loeser, Esq., sworn to on March 9, 2009, and the exhibits attached thereto, the Plaintiff Plan Trustees¹ (“Plaintiffs”) will move before The Honorable Richard J. Holwell, United States District Judge, at Courtroom 17B, of the United States District

¹ The Plaintiff Plan Trustees (referred to herein as the “Plan Trustees”) consist of Lead Plaintiffs Alan Kober (Trustee of The Andover Companies Employee Savings and Profit Sharing Plan (the “Andover Plan”)); Warren Cohen (Trustee of the Unisystems, Inc., Employees’ Profit Sharing Plan (the “Unisystems Plan”)); and John L. Patenaude and Margaret Callan (members of the Nashua Corporation Pension Plan Committee (the “Nashua Plan”)), and non-lead additional plaintiffs Glenn Kingsbury (Trustee of the New England Electrical Workers Benefit Fund (the “NEEW Plan”), and Alan Gordon (Trustee of the AGMA Retirement Plan and AGMA Health Fund (the “AGMA Plans”). SSgA refers to the Plaintiff Plan Trustees, together with the unnamed trustees of all other Plans in the Class, as the “Trustee Counterclaim Defendants.”

Courthouse, 500 Pearl Street, New York, New York 10007, on March 24, 2009, or as soon thereafter as counsel can be heard, for an order pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing with prejudice the Counterclaims filed by State Street Bank and Trust Company and State Street Global Advisors, Inc. (collectively, "SSgA") against the Plaintiff Plan Trustees and various unnamed trustees for all other unnamed Plans that are members of the proposed plaintiff class.

Dated: March 9, 2009

Respectfully submitted,

s/ Derek W. Loeser

**(On behalf of all Counsel for Named
Class Plaintiffs, with permissions)
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2009, I caused a true and correct copy of the foregoing document to be served upon the following counsel of record by email.

s/ Derek W. Loeser

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